

# TEXT\_Boston\_Prelim2\_Session1\_07102021

00:05

Good morning. Can I just confirm that everybody can hear me? Clearly if you could use the thumbs up function, please?

00:23

Seems to most of you, thank you very much. can also confirm, Shawn that the recording and live streaming of this event has commenced. Yes, both have started. Thank you. Some of this will be slightly repetitive of last time in terms of the introduction, but I need to go through for people who are just listening to this preliminary meeting part two. For those people watching the live stream, can I also advise that you should should you that should we at any point adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we commence the meeting and restart the live stream you will need to refresh your browser page to view the restarted stream. I'll remind you again of this should we need to adjourn. It's now 10 o'clock and I would like to welcome you all to this preliminary meeting part two, which precedes examination for the Boston alternative energy facility. My name is Max Walker. I'm a chartered civil engineer and I'm employed by the planning Inspectorate and have been appointed by the Secretary of State to be the examining authority to examine this application. You've already spoken to and heard from Sean Evans, who is the case manager, and Sean has been supported today by Carolyn Hopewell. Together, they are the case team for this project. And if you have any questions or queries, they should be your first point of contact. their contact details can be found at the top of any letter you have received from us all on the project page of the national infrastructure website. Before I consider the items on the agenda for this meeting, I now need to deal with some additional housekeeping matters to those raised by Miss Evans in the arrangements conference. As far as I'm aware, no request to be made for any special measures, or arrangements to enable you to proceed to participate in this preliminary meeting. Can I just check this is correct. Thank you. As I've already mentioned, this event is being both live streamed and recorded. And as was explained in my letter of the 17th of August, because the digital recordings that we make are retained and published, they form a public record that can contain your personal information, and to which the general data protection regulation applies. The plan inspectors practices to retain and publish recordings for a period of five years from the Secretary of State's decision. Consequently, if you participate in today's preliminary meeting, it is important that you understand that you will be recorded, and that you therefore consent to the retention and publication of digital recording. We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest of circumstances that we might ask you to provide personal information of the type that most of us would prefer to keep private or confidential. Therefore, to avoid the need to edit the digital recordings, what we would ask is that you try your best not to add information to the public record that you would wish to be kept private or that is confidential. Finally, can I repeat the requests made in the range of conferences in order to minimise background noise, you make sure your phone is switched off, or turned to silent and you stay muted unless you're speaking as this is a virtual meeting. We have structured the meeting today in such a way that questions or points you may wish to raise can be done, sir at the relevant points in the proceedings. When I get to those

points, I would ask that if you want to speak you either use the raise hand function on ms teams or asked to speak at the appropriate time. Can I also remind people that the chat function on teams will not work so please do not try to use this or ask any questions or post any comments. If you do not manage to ask your question or raise your point at the relevant moment, in time, there'll be an opportunity at the end of the meeting for you to raise this Under Item 10. Any other matters? Are there any comments or questions regarding any of the points that I've just made? No, thank you very much. So you're all here today because you are either the applicant or representative of the applicant. You represent the local authority or neighbouring authority represent bodies that are statutory parties. You've sent in a relevant representation and and have thus become an interested party. or combination at any of these character categories. Whichever you are, you're all very welcome.

05:08

This meeting will substantially follow the agenda as set out in my rule in my letter of 17th of August to 2021, which I shall refer to from now on as the rule six letter with the addition of item eight, relating to the consenting strategy in relation to the environmental permitting and flood risk issues. I hope you have a copy of the agenda. And if so, please do turn to it. As you will see, we are currently on item six. Let me briefly explain why we are here today. We're here to focus on the way in which we intend to examine this application, we will be discussing only the procedural matters of this examination today. Much as it may be tempting to do so we are not taking any evidence at this meeting. And we're not discussing either the merits or any concerns you may have regarding this application. It concerns on merits will only be considered once examination of the application begins following the close of the Bologna meeting. This is a working meeting in running it we intend to temper efficiency with fairness and mean to allow you all to have your say if it is relevant, and to allow you to inform me of all I need to know at this stage. However, I will endeavour to make sure that your and my contributions are as to the point of focus as possible, so that we make the best use of the time available and allow everyone who wishes to speak an opportunity to do so. notes have been taken of this meeting and these will be placed on the project page of the national infrastructure website. access to an electronic version will be available locations listed in annex F of the rule six letter as soon as practicable after the close of the preliminary meeting. As already mentioned, digital recordings are being made of today's meeting. And these two will be placed on the project page of the national infrastructure website as soon as practicable after this meeting. With this in mind, it will be enormously beneficial to us if each time you speak you could state your name and if you are representing someone who it is you represent. Please also bear in mind that the only official record of the day's proceedings are the notes and the digital recording tweets blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination is application. Thank you. I've been provided by the case team with a list of those interested parties who expressed a wish to be heard today. Those persons or people representing the following organisations BDB persons for the applicant, Boston bar accounts or Lincolnshire County Council, the Environment Agency, the RSPB and the marine management organisation. I think that's everybody. Thank you. I'm going to now ask those of you who are participating in today's preliminary meeting to introduce yourselves and the people who are watching the live stream at this event. When I state your organization's name if you could unmute yourself. And if you have your camera turned off switched on, and then introduce yourself stating your name and who you represent. So thank you. Could we please start with BDB the applicant

08:45

awnings? My name is Richard Marsh from b2b payments solicitors and today I will be representing the applicants.

08:55

Thank you very much. Boston Borough Council please.

09:02

Good morning, sir Mike gildersleeve as Assistant Director for planning for Boston Borough Council and I'm joined today by my colleague Peter Rudi.

09:11

Thank you very much. And Lincolnshire county council please

09:22

come on, sir. My name is Linda bride on head of planning at Lincolnshire county council, joined by a colleague Emily Anderson.

09:31

Thank you very much. And the Environment Agency please.

09:41

Good morning, Annette here. It's in representing the Environment Agency. And I also am joined by colleague Joe and by it.

09:50

Thank you very much. And the RSPB please.

09:57

Yep. Phil Pearson at RSPB.

10:01

Thank you, sir. Thank you and the marine management organisation. Good morning, Chrissy Powell from the marine management organisation. Thank you very much. Can I just confirm that I've now heard from everyone who wishes to participate in today's event. Thank you. Turning to item seven on the agenda, which is the examining authorities remarks about written submissions received to procedural deadline be. At procedural deadline be Monday the fourth of October we received written submissions from the following parties the applicant, the environmental agency, the RSPB, the MMO, Boston Borough Council, Lincolnshire county council and Kevin blanshard. Environment Agency as requested a delayed examination and both the RSPB and the MMOs submission support the EAS request. In the light of the submissions, I've added item eight to today's agenda, to enable the applicant to state what their consenting strategy is in relation to environmental permitting, and flood risks issues and interested parties the opportunity to respond to the applicant statement. In doing this, please remember what I said earlier that we are here to focus on the way in which we intend to examine this

application. And we'll we will be discussing the procedural x aspects of this examination today. I'm note in the written submission they indicate they wish to speak on agenda item seven. Can I just ask do you wish to speak now? Or will that be covered under agenda item eight, where you'll have an opportunity to speak?

12:03

And that here is some for the Environment Agency. Thank you, sir. Yes, I think it will probably be covered under item eight.

12:09

Thank you. Okay, thank you very much. I've noted the other points made in the submissions in these written submissions. So turning to item eight, which is the consenting strategy in relation to environmental permitting and flood risk issues. Can I just check a part from the applicant and the EAA? Which of the other bodies would like to speak on this item? Would the RSP do the RSPB intend to speak please?

12:48

I don't intend to speak sir. But I will obviously listen to what is said and may have some questions. Actually, following that.

12:56

I'll give you an opportunity at the end. MMO Do you want to speak or?

13:03

Crystal Palace? MMO? No, sir, we don't wish to speak any further.

13:07

Okay. Any others? Do you wish to speak on this item? Thank you. So I would like the applicant to outline what their consenting strategy is in relation to environmental permitting and flood risk issues, remembering we're focusing on the procedural aspects of this. Thank you, Mr. marsh.

13:37

Thank you, sir. I'll keep the submissions relatively brief. As the written submissions contained in our procedural B. Letter largely cover the strategy in relation to environmental permitting and flood risk. But in summary, aeration to the environmental permit application. At present, no application has as yet been submitted. The applicants has commenced an enhanced pre application procedure with the VA in respect to the permit. A an officer EIA officer has been appointed, and an initial meeting on the pre application process is being set for the 20th of October. At present, the applicant does not have a set date when it intends to submit an application for Environment environmental permit. We have been clear during pm one and in our written submissions that we consider there is no legal policy or guidance requirement to submit an environmental permit in parallel with the decio application and examination Accordingly, we have not done so and and and the intention is to submit it at some point in the future but we haven't committed to a particular date. But we are we are confident that the examination period provides sufficient time for discussions with the with the EIA on permitting to then allow the EIA to

confirm that the proposed developments is of a nature and type that can be approved pursuant to the the separate EP regime. I would also add that, that in terms of the nature of the developments, it's it's not a it's not a novel technology. It's well proven, and the proposed development is located in an existing industrial area. So we see that any issues in relation to permitting can be resolved at during the course of the examination with that differ. In the event that the EAA considers it requires further environmental information. In order to provide that in principle, type and nature view in respect to the permissibility of the of the development, then the applicant will clearly engage with the EAA and provide information it reasonably requires, such as the variable design details and technology specifications allow at this point. And the EA will at this stage be further informed by pre application discussions. And the applicant considers that such information can be provided, as I say, without the need to formally submit any prior medical permits at this point. So that's all I wish to say on that particular point. The next point was in relation to flood risk issues, which again was raised during pm one. During which I'd also in written submissions. We, we made it clear that the proposed development and the DCR application seeks to disapply the opponents of regulations in relation to flood risk. And in that instance, we acknowledge that in doing that we will need to enter into a legal agreement and agree bespoke protective provisions with EA and with a with a view to completing those two work streams. We have commenced discussions with with the EA legal we provided requested information on the first of October in relation to certain aspects of the development relating to flood risk. And we have committed to produce a draft agreement covering those matters. By the end of this month.

18:23

During pm one I mentioned another Dc application consented application able marine energy park in respect to which there was a similar agreement entered into between the promoter and the EA. I also noted that that agreement was completed after the end of the examination. But in no way no way was I suggesting that we would follow that route in terms of timing. We are confident that we can reach agreement in advance of the end of the examination, and that remains our position. So in summary, sir, that is strategy in respect of the EP application and flood risk.

19:19

Thank you, Mr. marsh. I'd like to give the Environment Agency the opportunity to reply to that and make any comments say they wish to on those matters please.

19:40

Thank you sir. net. Here's some for the Environment Agency. And in respect of the environmental permits, Mr. Marsh says that it's established and proven technologies. I believe this is the case for some of what is being proposed. Not necessary. Really the whole operation, but it could be the surrounding constraints and planning constraints that may be such that it makes using these technologies and techniques and feasible in this location. In risk, I believe in in written submissions, the applicant has suggested that the environmental agency wanted determined, permit this. This is not exactly what we said, we feel this is something of a misrepresentation of what we did actually say. What we did say it was until a permit application has been submitted and determined, we cannot confirm to the examining authority or the secretary of state that the proposal will be acceptable. And that, but what it does need a permanent application needs to be at at an advanced stage for us to be able to comment on the likelihood of a permit being granted. Because we do we do not predetermine

permit applications. So, confirmation will only come when it's actually determined, but it will need to be at quite an advanced stage for us to give any level of comfort that it's likely to be permitted. In respect of flood risk issues. Is the information that Mr. Marsh has provided is all correct. It perhaps comes down to unreasonable expectations in respect of the negotiations on Mr. Martius part, given the fact that we you know, we did suggest to the applicant that back in April 2018, that they started negotiating these issues with us. And we're now at the stage where, really, we're only looking at providing draft agreements by the end of October. And the previous agreement with APR is a starting point. But we still need a proposal from the applicant on the substance of that agreement. And it takes considerable amount of time to actually negotiate the particulars in respect of long term maintenance due to the potential costs involved. And I think perhaps, they may be under estimating the time it takes to negotiate such an agreement. And the other issue that I would like to just comment on at this stage is in relation to what the RSPB raised at the first preliminary meeting in terms of the need for considering mitigation options and the fact that that could actually include the consideration of a compensation site elsewhere in the wash, which could result in the need for a further flood risk assessment flood risk agreement in respect of construction standards and maintenance of that site. Certainly if, if that proposal includes any, any interference with existing defences, that that could again be an issue that has to be dealt with on under legal agreements. So I think in some research, the applicants use the word they are confident that these issues can be resolved by the end of the draft examination timetable is I think a more more accurate description will be say they are hopeful, sir, but I think we perhaps don't share that confidence. But we are obviously committed to doing what we can within the examination period to to assist. Thank you, sir.

23:55

Thank you very much. Do the RSPB want to add any thing. Mr. Pearson? Thank you,

24:12

sir. No, I think I colleague has his research and explain that. Well, I think it is valid in terms of thinking about the timetable. And I would agree that the applicants submission is certainly more hopeful than then confident given our experience of creating compensation areas and linking in with the Environment Agency on some of those timetables so I am not proposing to say any more at this time circus. I believe that's already been said.

24:47

Thank you very much. Does anybody else wish to say anything further on item eight, the consenting strategy

25:02

No, thank you all for your very clear submissions. I will now deal with item nine on the agenda, any procedural representations on matters that could not be raised at part one of the pruning meeting. I have not received any procedural representations on matters that could not be raised at part one, the preliminary meeting except for comments from Mr. Blanshard. And the EIA regarding the applicants draft accompanied site inspection and from Lincolnshire county council regarding initial assessment of principal issues. Does anyone have any further, anything further to say with regards to procedural matters on procedural representations on matters that could not be raised at part one of the preliminary

meeting? Thank you. Having heard what you've told me Under Item eight, I'm now proposing to adjourn this meeting for half an hour so that I can give consideration to the points you have made. The time is now 1026. And for brownness, shall we resume at 11 o'clock in the morning, please. Thank you.